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9 Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 DAVID RANGEL,)
17 Defendant.)
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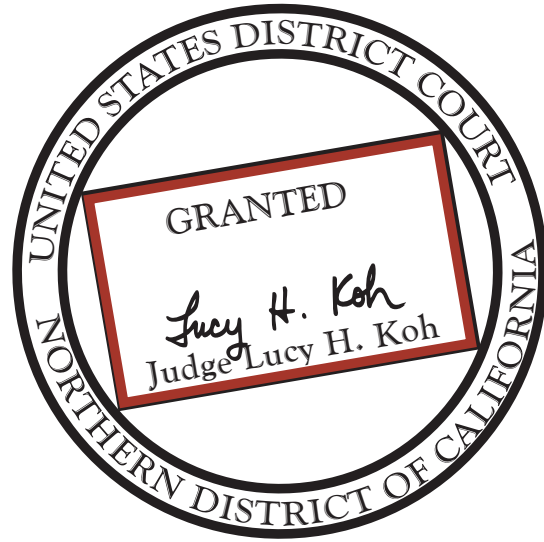
No. 10-00674 LHK

PARTIES' STIPULATED AGREEMENT
TO CORRECT JUDGMENT PURSUANT
TO F.R.C.R.P. 35(a)

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20 On January 25, 2012, Defendant Rangel entered a guilty plea to Count Two of the Indictment
21 pending against him. As part of his guilty plea, he agreed to pay a fine of "at least \$1,000."

22 While not in the agreement, the fine amount was set at \$1,000 because that was the amount of
23 money the parties believed was seized from defendant at the time of his arrest and was being held
24 by the Santa Cruz County Sheriff's office. On May 2, 2012, defendant was sentenced. At
25 sentencing, this Court ordered defendant to pay a \$1,000 fine as part of his sentence.

26 As it turns out, the Santa Cruz County Sheriff's Department had in its custody \$429 that it
27 had taken from defendant at the time of his arrest, and not \$1,000 as was believed.. It was the
28 unwritten understanding of the parties to have defendant pay a fine in the amount as was in the



1 custody of the Sheriff's office. As a result, the parties ask this Court to reduce defendant's fine
2 from \$1,000 to \$429.

3 While both parties understand that this Court had the discretion to set the fine at an amount
4 higher than any amount in the custody of the Sheriff's, we jointly make this request to lower the
5 fine, pursuant to F.R.Cr.P 35(a) . Rule 35(a) allows the Court to "within 14 days after sentencing
6 . . . [to] correct a sentence that resulted from arithmetical, technical or other clear error." In this
7 case, the parties clearly erred as to the amount of money in the Sheriff's custody, and based on
8 that clear error, respectfully ask this Court to lower defendant's fine to \$429.

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10 Dated: May 15, 2012

/s/

CYNTHIA LIE
Attorney for David Rangel

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14 MELINDA HAAG
United States Attorney

15 Dated: May 15, 2012

/s/

AMBER S. ROSEN
Assistant United States Attorney